

40.
Court
No.28

10.07.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1993 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Nakashipara Police Station Case No.1261 of 2024** dated **20.04.2024** under Sections **341/325/326/307/34** of the Indian Penal Code, 1860.
And
In the matter of: - **Sadhan Ghosh & Anr.**

Ms. Karabi Roy, Adv.

Ms. Sayanti Santra, Adv.,
Ms. Ankita Pal, Adv.

...petitioners.

...for the petitioners.

...for the State.

Order dictated in open Court by Apurba Sinha Ray, J.

Learned Counsel for the petitioners submits that the petitioners are in custody for about 80 days. The investigation is complete and as such they may be granted bail on any condition that this Court may decide.

Learned Counsel appearing for the State has raised objection against the bail prayer. According to her, there are several incriminating materials against the petitioners. Further, the medical report also shows that there are serious injuries on the vital parts of the victim’s body. As such, the prayer for bail should be rejected. The offending weapon has also been recovered from the petitioners as per their leading statement.

We have gone through the material in the case diary. From the records we find that the alleged incident was an outcome of disputes between two neighbours. We also find that investigation is complete and the offending weapon has been recovered.

On an assessment of the material in the case diary and also considering the fact that investigation is complete, we are of the view that there is no need for further custodial detention of the petitioners. Therefore, we are inclined to allow the petitioners' prayer for bail.

Accordingly, we direct that the petitioners, namely, **1. Sadhan Ghosh, 2. Bapi Ghosh** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia at Krishnagar, subject to condition that the petitioners shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 1993 of 2024 is accordingly disposed of.

Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)